THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.20727 OF 2005

ORDER:

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This Writ Petition is filed seeking a Mandamus declaring the action of the 1st respondent in recommending the case of the petitioner for removal vide enquiry report No.105/2003 dated 31.12.2004 and consequential memo of the 2nd respondent dated 22.7.2005 as arbitrary, illegal and without jurisdiction.

Under the impugned proceedings dated 31.12.2004, the Tribunal for Disciplinary Proceedings, Andhra Pradesh, Hyderabad submitted its report after conducting a detailed enquiry into the matter. While submitting the report, it had also recommended for removal of the charged officer from service.

The learned counsel for the petitioner strenuously contends that the power to recommend for removal is not vested in the Tribunal for Disciplinary Proceedings and the 1st respondent is empowered only to submit a report and cannot recommend the punishment that may be imposed. I find force in the contention of the learned counsel for the petitioner. Therefore, I am of the opinion that as per the provisions of the A.P. Civil Services (Disciplinary Proceedings Tribunal), 1989, the Tribunal is supposed to conduct an enquiry and submit its report. In view of the same, the recommendation made by the Tribunal for Disciplinary Proceedings for removal of the charged officer from service cannot be sustained.

In view of the above, without expressing any opinion on merits, the 2nd respondent is directed to consider the report dated 31.12.2004 submitted by the Tribunal for Disciplinary Proceedings on its own merits, after receiving the explanation, if any, from the petitioner, without taking into consideration of the recommendation for removal.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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C.V. RAMULU, J.

21st September, 2005.

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